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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,361	07/17/2000	David N. Harris	0013-011	8110

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EXAMINER
ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
3688	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	09/617,361	HARRIS, DAVID N.
Office Action Summary	Examiner	Art Unit
	Raquel Alvarez	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 December 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *60-117* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *60-117* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to communication filed on 12/6/07.

2.   Claims 60-117 are presented for examination.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 114 recites that the second state authorization module automatically verifies all

received transaction approval request without obtaining verification from said account

holder. This is contradictory to claim 60 which claim 114 depends from and which

states that in the second state, a transaction must be transmitted and verified.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

5.   Claims 60-65, 72, 74-80, 87, 89-95, 102 and 104-117 are rejected under 35

U.S.C. 102(b) as being anticipated by Blonder et al., patent number 5,708,422

(hereinafter Blonder).

        With respect to claims 60-65, 72, 74-80, 102 and 104-113, Blonder teaches a

method for verifying a commercial transaction comprising:

receiving a transaction approval request from the merchant, the request including the

account number (col. 2, lines 60-65, lines 45-50, col. 4, lines 55-65, col. 5, lines 5-10),.

electronically verifying the approval request with the account holder via a separate

communication from the merchant (see at least col. 2, lines 50-55, col. 3, lines 5-15, 25-

35, col. 5, lines 40-50, col. 6, lines 50 - col. 7, line 5) and transmitting an approval to the

merchant pursuant to a selectively enabled verification function (col. 3, lines 1-5, col. 10,

lines 35-37).

Blonder also teaches a computer system for verifying a commercial transaction

comprising: a processing unit for processing data and code, a memory device for

storing data and code including a merchant communications module to facilitate a

connection with the merchant for receiving a transaction approval request including a

complete account number (fig. 1 , col. 2, lines 60-65, lines 45-50, col. 4, lines 55-65, col.

5, lines 5-10)., an account holder communications module operative to facilitate a

separate connection with the account holder for verifying the request (see at least col. 2,

lines 50-55, 01. 3, lines 5-15, 25-35, col. 5, lines 40-50, col. 6, lines 50 - col. 7, line 5).,

and an authorization module responsive to receipt of the approval request and

transmitting an approval to the merchant only if the approval request is verified by the

account holder (fig. 7, fig. 9, fig. 10 (at least), col. 10, lines 35-37).

Blonder also teaches the authorization module includes an interactive verification

module responsive to the approval request and initiating a connection with the account

holder and verifying the transaction request by prompting the account holder to verify

the request (col. 7, line 65 - col. 9, line 30)., sending an electronic message to the

account holder via a network interface and receiving a reply to the electronic message

(col. 6, lines 55 - col. 7, line 3, col. 9, lines 10-30)., a telecommunications device where

the interactive verification module places an automated telephone call to the account

holder and includes establishing a telephone connection with the account holder,

reciting a portion of the request to the account holder, and receiving verification

instructions from the account holder (col. 8, lines 10-55)., the authorization module is

responsive to instructions from the account holder to automatically verify subsequent

transaction approval requests without further input from the account holder and

instructions for enabling or disabling the electronic verification (col. 5, line 30-45, col. 7,

lines 1-10, col. 14, lines 35-67)., the authorization module includes a master verification

module responsive to the lapse of a predetermined time period and operative to

disclaim the request if the request has not been verified by the account-holder (col. 7,

lines 5-15, 01. 10, lines 5-20, lines 55-65)., the transaction approval request is a

verification request from a third-party financial institution and the authorization module

transmits indicia of verification to the third party institution (col. 5, lines 30-35, col. 9,

lines 25-30).

　　　With respect to the newly amended feature of a verification switchable between

at least a first state and a second state, said first state enabling a previously established

verification requirement and said second state disabling said previously established

verification requirement. Blonder teaches on Figure 3, that when approval flag is set to

"no" then a permissible maximum transaction can take place **without** obtaining answer

or verification from the account holder, disabling notification to the card holder. Setting

the Approval flag to "yes" the system **initiates** communication with the cardholder to

determine if amount above a certain threshold can be authorized.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 66 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Blonder (5,708,422 hereinafter Blonder).

With respect to claims 66 and 81 While Blonder teaches the interactive

verification module requires authentication from the account holder prior to reciting a

portion of the approval request (col. 8, lines 45-50), Blonder does not teach the use of

an authentication code for this purpose. However, it would have been obvious to one

having ordinary skill in the art at the time of the invention to have used an authentication

code prior to reciting a portion of the approval request in Blonder since, at least,

personal identification numbers, or pin, are well known in the art for

identifying/authenticating customers (claims 15,25). Use of the

pin authentication would have at least reduced the processing and storage demands of

voice recognition particularly considering the number of customers the system would

need to serve.

8.   Claims 67-71, 73, 82-86, 88, 96-101 and 103 are rejected under 35

U.S.C. 103(a) as being unpatentable over Blonder in view Certificate Manager and

further in view of of Joao et al. (6,529,725 hereinafter Joao)

With respect to claim 67-71, 73, 82-86, 88, 96-101 and 103, Blonder teaches

establishing a connection with the account holder, authenticating the account holder,

transmitting a portion of the approval request, and receiving verification instructions

from the account holder with respect to the approval request (col. 8, lines 10-55), but

does not show waiting for a connection initiated by the account holder. Joao teaches the

account holder can contact the central processing office or processing center to

approve the transaction (col. 7, lines 12-18, col. 19, lines 1-7, col. 19, line 65 - col. 5).

It would have been obvious to one having communication with the system as in Joao

since this would have provided the customer the time he/she needed to decide whether

to approve/disapprove the transaction. It also would have been obvious to have

transmitted a notice to the account holder when the transaction approval request was

disclaimed as in Joao since this would have provided a complete record of activity for

the account holder.

Response to Arguments

9.   Applicant argues that Blonder doesn't teach switching the verification between

an Off and On State. The Examiner disagrees with Applicant because Blonder

teaches on Figure 3, setting the verification/approval flag on and off. See above

rejection for explanation.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Point of contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Raquel Alvarez whose telephone number is (571)272-

6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/   Raquel Alvarez
Primary Examiner, Art Unit 3622   Primary Examiner
                                                          Art Unit 3622

R.A.
2/29/2008